

23954
22 sent
transmitted - 4

OGC HAS REVIEWED.

21 September 1954

MEMORANDUM FOR: Chief, Travel Section, Fiscal Division

SUBJECT : Clarification of [REDACTED] Paragraph 12-a Thereof

25X1A

REFERENCE : Memo dtd 31 Aug 54 for OGC fr C/Travel Section,
same subject

1. Your memorandum requested the clarification of [REDACTED] dated 27 November 1953, as regards (a) its apparent conflicting operative effect in conjunction with previous [REDACTED] dated 3 March 1953, and (b) the effective date of its provisions.

25X1A

25X1A

2. What follows will confirm the substance of our telephone conversation on these same subjects on 14 September 1954.

3. Both of the regulations in question dealt, or deal, with the matter of the weight limitation on household and personal effects which Agency staff personnel may ship to an overseas post, or back to the United States from that post, in those instances in which furnished quarters were provided at the overseas post by the Government. There essential difference was that the earlier regulation put a weight limitation of 3,000 pounds on those household and personal effects which could be shipped to the overseas post in such a situation, while the latter put this limitation on the amount which could be shipped both to and from that post. We are informed by the Logistics Office [REDACTED] Ext. 8487) that the change in the more recent regulation was an intended one and thought to be in keeping with parallel Department of State policy. But aside from this, and absent other evidence, the recent regulation is controlling and must be construed to mean what it says, namely, that the 3,000-pound ceiling is applicable both to and from.

25X1A9a

4. Normally the effective date of any law is the date of its enactment. An exception to this general rule obtains when the law provides for an effective date other than the date of its enactment. By analogy, a regulation is effective as of the date of its promulgation unless, by its own terms, it provides for a different effective date. An examination of [REDACTED] dated 27 November 1953, reveals it apparently to have been promulgated on that date and not to contain any provision for an effective date other than

25X1A

that one. This being so, we consider it to be effective as of that date and no other. On this basis, the single answer to the two questions specifically posed in paragraph 5 of your memorandum would be that the 3,000-pound limit on household and personal effects is applicable to all personnel who start back to the United States from an overseas post where furnished quarters have been provided by the Government after midnight, 22 November 1953, this without regard to when they traveled to that overseas post.

5. In the last paragraph of your memorandum you call our attention to Special [redacted] of the Joint Travel Regulations which authorized service personnel returning to the United States from [redacted] a weight limitation on personal and household effects in excess of 3,000 pounds and subject only to the standard weight limitations for overseas travel of such personnel. By inference, you raise the question of the interaction of this special regulation with [redacted] as regards (a) military personnel detailed to this Agency and returning from either of these countries to the United States on PCS and (b) civilian employees of this Agency under military cover and so returning to the United States.

25X1A

25X1A6a

25X1A

6. In the first instance, the military personnel would be entitled to the benefit of the service regulation under Agency [redacted] and Covert [redacted]. These generally provide that military personnel detailed to CIA are entitled to the pay, allowances, etc., of the parent service concerned. In the second instance, the Agency employees would be liable to the Agency for the costs of shipment of all household and personal effects in excess of 3,000 pounds unless it could be established that observance of the larger service allowance was necessary in the interests of maintaining cover. We venture that the establishment of this proposition would be difficult in the circumstances.

25X1A

25X1A

7. In closing we pass on to you the information furnished us by the Logistics Office to the effect that [redacted] shortly will be superseded by a new [redacted] in which the weight allowances in the instance of furnished quarters overseas will be raised to about 4,500 pounds maximum, with this amount and lesser ones applicable in terms of the grade or rank equivalent thereto.

25X1A

25X1A

25X1A9a

Office of the General Counsel

1 Att - Lstd in Ref

cc: Legal
Vital
Signer
OGC chrono
Subject ✓